

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
CHARLOTTE, NC

LYNN KAREN HOCK, )  
Appellant, )  
v. )  
U.S. DEPARTMENT OF )  
EDUCATION, )  
Appellee. )  
\_\_\_\_\_  
)

JAN 18 2022

US DISTRICT COURT  
WESTERN DISTRICT OF NC

NO. 3:21-cv-00134-FDW

**Reply to Appellee's Response to Motion for Extension of Time**

Appellant Lynn Karen Hock, Pro Se, replies as follows to Appellee

Department of Education (“DOE”) regarding Appellant’s Motion for Extension of Time for filing her appellant’s brief as follows:

1. On January 5, 2022 at 9:47am I e-mailed AUSA Johnson stating that I would ask the court for a 60 or 30 day extension of time to file my Brief.
2. I have filed paperwork in this case by physically mailing it to the Court. The mails have in the past proven unreliable. My Response to the Court’s Order to Show Cause was mailed several days in advance of the deadline but arrived late, causing a dismissal of the case and later reversal. I was,

therefore, keenly aware that I would need to get my Motion in the mail several days prior to it's due date. When I hadn't heard a response from AUSA Johnson by noon on January 6, 2022 I mailed my Motion requesting the full 60 day extension. I received AUSA Johnson's e-mail response stating that the DOE "does not oppose a 30-day extension of the time to file your opening brief" subsequent thereto, at 5:02pm that same day, after the motion had been mailed.

3. The DOE does not oppose a 30 day extension but objects to a 60 day extension because "[t]his case was originally filed close to three years ago on March 3, 2019." There was no delay on my part. During that time DOE twice requested, and I did not oppose, two extensions of time: the first for 30 days then for an additional 6 months, for a total of 7 months. The 30 day extension to respond to the adversary complaint was requested on April 8, 2019 because then-counsel for DOE stated he had a heavy caseload. In July 2019 a second extension, this time for 6 months was requested by DOE. A new attorney had been assigned and they wanted to extend time for discovery. I did not object. Further, the Court was closed for a period of time due to COVID during the time the Adversary Proceeding was before it.
4. Although, as DOE alludes to, I have a voluntarily inactive law license in the state of California I graduated law school just shy of 40 years ago and I have

not litigated a case in almost 30 years. I have never practiced in Federal Court. The procedures are as foreign to me as to any Pro Se litigant.

5. The delay is not unnecessary. It is a complex appeal and I am seeking time to either (a) find help or (b) make a valiant attempt to file the brief myself.
6. Therefore, I respectfully request an extension of time to file my brief for 60 days or, if that is not tenable, for 30 days, if the court will allow.

Respectfully submitted this 12<sup>th</sup> day of January, 2022

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed/ delivered to the following individuals at the addresses listed:

J. Seth Johnson

Assistant United States Attorney

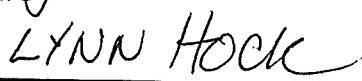
Suite 1650, Carillon Building

227 West Trade Street

Charlotte, NC 28202

This the 12<sup>th</sup> day of JANUARY, 2022.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
(Print Name)